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Jens-Uwe Schluetter

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EXAMINER

PILLAI, NAMITHA

ART UNIT

PAPER NUMBER

2173

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DELIVERY MODE

12/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/729,123	SCHLUETTER ET AL.	
	Examiner	Art Unit	
	NAMITHA PILLAI	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 19-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The Examiner acknowledges Applicant's submission on 8/21/08 including amendments to claims 19 and 34. In view of the 1.132 Declaration, a new rejection has been included below. All pending claims have been rejected for being obvious over the prior arts disclosed below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 19-21, 23-27 and 29-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U. S. Publication No. 2003/0004853 A1 (Ram et al.), herein referred to as Ram and U. S. Publication No. 2003/0115117 A1 (Sugimoto).

Referring to claim 19, Ram discloses a method for displaying a cursor on a graphical user interface (page 2, paragraph 18). The displayed cursor is used to make selections in the trading screen. Ram discloses receiving real time market data associated with a tradeable object being traded at an electronic exchange (Figure 3 and page 1, paragraph 1). Ram also discloses that the tradeable object has an inside market comprising a highest bid price and a lowest ask price currently available for the tradeable object, as shown at the top of the user interface of Figure 3. Ram also discloses displaying a plurality of price levels arranged on the graphical user interface

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(Figure 3), wherein each of the plurality of price levels are based on current market data associated with the tradeable object (page 1, paragraph 1 and page 9, paragraph 178, lines 4-8). Figure 3 displays a grid with a plurality of levels that are based on real time market data associated with objects that can be sold and bought. Ram discloses displaying a plurality of locations for receiving commands from a user input device (page 2, paragraphs 17 and 18), where the plurality of cells in the grid of Figure 3 represent the plurality of locations which can received commands from the user. This interaction sets order price parameters for trade orders on the graphical user interface (page 2, paragraphs 17 and 18), where execution of the selection in a cell sets the order price parameter of the price at that cell level at which the security object will be traded. The plurality of locations are associated with the plurality of price levels such that at a given moment each location of the plurality of locations correspond to one of the plurality of price levels (Figure 3, page 1, paragraph 16 and page 2, paragraph 17). Ram discloses receiving new market data associated with the tradeable object (page 1, paragraph 1, lines 15-18), where new market data is provided to the display based on the market conditions at an instant in time. Ram discloses determining that a cursor of the user input device is positioned over one of the plurality of locations on the graphical user interface (page 2, paragraph 18), where the cell where the cursor has been placed corresponds with a price level which is selected to place an order. A price level corresponds to the location of the cell at which the cursor is placed as shown in Figure 3. Ram discloses that the user interface is automatically updated when the new market data is updated in real time (page 2, paragraph 25, lines 5-9). The plurality of price

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levels are updated (Figures 25, 26, page 13, paragraph 253 and page 14, paragraph 256). The information that is updated include the price levels for the securities displayed in Ram's user interface. Ram discloses by updating the plurality of price levels the price level in Figure 25 of price 56.79 does not correspond to the same location as when the updated display is shown in Figure 26, where the same price 56.79 has changed to a new second location. Ram discloses receiving a command from the user input device that sets an order price parameter for a trade order based on the price level (page 2, paragraph 18 and Figure 3). The user input device when placed on a cell and selected will execute an order at the price level at which the cell is placed where the trade object is ordered at that price. Ram does not disclose automatically displaying the cursor at the second location so that the cursor continues to correspond to the price level. Sugimoto discloses automatically displaying the cursor at a second location so that the cursor continues to correspond with a selected object so that the proper price may be chosen (page 1, paragraph 10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sugimoto to automatically display the cursor at a second location so that the cursor continues to correspond to a selected object when the display changes so that the price that is chosen is the correct price. Ram discloses automatically updating the grid data with new market information, thereby changing the price axis as shown in Figures 25 and 26. As the price axis is repositioned, the cells associated with these prices also change. The location of cell 194 in Figure 25 has clearly changed locations to a second location in Figure 26. When a cursor is placed in Figure 25 on cell 194, the same location in Figure 26 would not be

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the intended location where the user had initially placed the cursor. This clearly would lead to incorrect inputs and trade orders. Sugimoto also discloses as the screen changes, the mouse cursor must be changed also to associate with cursor with the intended price. Sugimoto's invention alleviates these problems by automatically positioning the cursor. Ram would benefit from this teaching where the cursor is repositioned automatically in the correct cell 194 of Figure 26 to ensure that the user makes the intended and correct selection. This ensures that when there is a receipt of new market data that causes an update of the display on the graphical user interface such that the price level no longer corresponds to the first location but correspond to the second location, the order made would be based on the correct price level that was initially intended by the user. Therefore, one skilled in the art would have been motivated to learn from Sugimoto to automatically display the cursor at a second location so that the cursor continues to correspond to a selected object when the display changes.

Referring to claim 20, Ram discloses displaying the plurality of locations for receiving commands from the user input device to send trade orders to the electronic exchange, such that selection of a location of the plurality of locations through an action of the user input device will both set an order price parameter and send a trade order to the electronic exchange (page 1, paragraph 16 – page 2, paragraph 18). Based on command from user input device a trade order is made when a cell is selected where the price level of the cell is set as the order price parameter and an execution to send the trade order at that price parameter is made.

Referring to claim 21, Ram discloses that the user input device is a mouse comprising a mouse button and the action is a single click of the mouse button (page 2, paragraph 18), where clicking on a cell with a mouse includes a single click of the mouse button.

Referring to claim 23, Ram discloses that the step of displaying the plurality of price levels arranged on the graphical user interface comprises displaying only those price levels for which orders reside for the tradeable object at the electronic exchange (reference number 122, Figure 13). The price axis of the interface pointing to reference number 122 includes a plurality of price levels which have orders residing for the tradeable object with the orders being indicated by the hatch marks.

Referring to claim 24, Ram discloses the step of displaying price levels corresponding to orders to buy the tradeable object along a first column (reference number 200, Figure 3) and displaying price levels corresponding to orders to sell the tradeable object along a second column (reference number 305, Figure 3). The price levels in the user interface of Ram correspond to one column where buy orders can be made and second column where sell orders can be made.

Referring to claim 25, Ram discloses the step of displaying price levels corresponding to orders to buy and orders to sell the tradeable object along a single column (Figure 10, page 12, paragraph 214, lines 12-16 and paragraph 215). The hatching conveys bid and ask prices which correspond to the price levels that are associated with buy and sell orders. A single column of Figure 10 displays these price levels based on the hatching.

Referring to claim 26, Ram discloses the step of displaying those price levels that correspond to the inside market at designated locations (Figure 3), where the top of the interface is a designated location which display price levels that correspond to highest bid and lowest ask prices.

Referring to claim 27, Ram discloses the step of displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis (page 14, paragraph 254, lines 8-10). Figure 3 displays a price axis that is static.

Referring to claim 29, Ram discloses that the step of automatically updating the display on the graphical user interface upon receipt of new market data comprises repositioning the static price axis on the graphical user interface based in part upon the receipt of new price data (page 14, paragraph 256), where as the price of the security is changing, this price is being updated on the display of Ram as new market data which involves repositioning the price axis on the interface of Ram.

Referring to claim 30, Ram discloses that the step of repositioning the static price axis occurs as a result of the market moving outside of a range of price levels (Figures 25, 26 and page 14, paragraph 256). The price of a security falling involves a change in the range of price levels that are associated with that security and this change is conveyed to the user interface of Ram.

Referring to claim 31, Ram discloses that the step of repositioning the static price axis so that the price levels corresponding to the inside market are moved to designated locations along the static price axis (Figures 25 and 26) The price levels corresponding

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to the inside market as displayed in Figure 25 are 56.78 and 56.82 which have distinct positions on the static price axis in Figure 25 but upon repositioning of the static price axis, these prices that correspond to the inside market are moved to designated locations as shown in the repositioned static price axis of Figure 26. These designated locations in Figure 26 are distinct locations different from that in Figure 25.

Referring to claim 32, Ram and Sugimoto disclose further comprising the step of associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed (Sugimoto, page 2, paragraph 22). The combination of Ram and Sugimoto discloses that the plurality of locations of Ram is associated with x,y coordinates where the locations recited in Sugimoto are associated with x,y coordinates and used in calculating the re-positioning of data. Therefore, the combination of Ram and Sugimoto disclose further comprising the step of associating each of the plurality of locations with an (x,y) coordinate of a screen on which the graphical user interface is displayed.

Referring to claim 33, Ram discloses the step of displaying the plurality of price levels arranged on the graphical user interface comprises displaying the plurality of price levels that correspond to a last trade price for the tradeable object (Figures 25, 27, 32). Figures 25, 27, 32 each have last trade prices that are associated with the tradeable objects, where the plurality of price levels in the static axis comprise the prices that are correspond with the last trade prices. The last trade prices in each of these interfaces are highlighted. These represent a plurality of price levels that correspond to a last trade price for a tradeable object.

Referring to claim 34, Ram discloses a method for displaying a cursor on a graphical user interface (page 2, paragraph 18). The displayed cursor is used to make selections in the trading screen. Ram discloses receiving real time market data associated with a tradeable object being traded at an electronic exchange (Figure 3 and page 1, paragraph 1). Ram also discloses that the tradeable object has an inside market comprising a highest bid price and a lowest ask price currently available for the tradeable object, as shown at the top of the user interface of Figure 3. Ram also discloses displaying a plurality of price levels arranged on the graphical user interface (Figure 3), wherein each of the plurality of price levels are based on current market data associated with the tradeable object (page 1, paragraph 1 and page 9, paragraph 178, lines 4-8). Figure 3 displays a grid with a plurality of levels that are based on real time market data associated with objects that can be sold and bought. Ram discloses displaying a plurality of locations for receiving commands from a user input device (page 2, paragraphs 17 and 18), where the plurality of cells in the grid of Figure 3 represent the plurality of locations which can received commands from the user. This interaction sets order price parameters for trade orders on the graphical user interface (page 2, paragraphs 17 and 18), where execution of the selection in a cell sets the order price parameter of the price at that cell level at which the security object will be traded. The plurality of locations are associated with the plurality of price levels such that at a given moment each location of the plurality of locations correspond to one of the plurality of price levels (Figure 3, page 1, paragraph 16 and page 2, paragraph 17). Ram discloses receiving a command to reposition the plurality of price levels on the

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graphical user interface (Figures 25, 26, page 13, paragraph 253 and page 14, paragraph 256). When new market data is displayed on the user interface, this includes a command to reposition the plurality of prices levels in response to the new updated market data. Ram discloses determining that a cursor of the user input device is positioned over one of the plurality of locations on the graphical user interface (page 2, paragraph 18), where the cell where the cursor has been place corresponds with a price level which is selected to place an order. A price level corresponds to the location of the cell at which the cursor is placed as shown in Figure 3. Ram discloses automatically updating the display on the graphical user interface upon receipt of the command to reposition, where this command is based on the refresh command to accommodate the display of new market data (page 2, paragraph 25). The automatic update of market data also includes updating the price levels (Figures 25, 26, page 13, paragraph 253 and page 14, paragraph 256). The information that is updated include the price levels for the securities displayed in Ram's user interface. Ram discloses by updating the plurality of price levels the price level in Figure 25 of price 56.79 does not correspond to the same location as when the updated display is shown in Figure 26, where the same price 56.79 has changed to a new second location. Ram discloses receiving a command from the user input device that sets an order price parameter for a trade order based on the price level (page 2, paragraph 18 and Figure 3). The user input device when placed on a cell and selected will execute an order at the price level at which the cell is placed where the trade object is ordered at that price. Ram does not disclose automatically displaying the cursor at the second location so that the cursor

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continues to correspond to the price level. Sugimoto discloses automatically displaying the cursor at a second location so that the cursor continues to correspond with a selected object so that the proper price may be chosen (page 1, paragraph 10). It would have been obvious to one skilled in the art at the time of the invention to learn from Sugimoto to automatically display the cursor at a second location so that the cursor continues to correspond to a selected object when the display changes so that the price that is chosen is the correct price. Ram discloses automatically updating the grid data with new market information, thereby changing the price axis as shown in Figures 25 and 26. As the price axis is repositioned, the cells associated with these prices also change. The location of cell 194 in Figure 25 has clearly changed locations to a second location in Figure 26. When a cursor is placed in Figure 25 on cell 194, the same location in Figure 26 would not be the intended location where the user had initially placed the cursor. This clearly would lead to incorrect inputs and trade orders. Sugimoto also discloses as the screen changes, the mouse cursor must be changed also to associate with cursor with the intended price. Sugimoto's invention alleviates these problems by automatically positioning the cursor. Ram would benefit from this teaching where the cursor is repositioned automatically in the correct cell 194 of Figure 26 to ensure that the user makes the intended and correct selection. This ensures that when there is a receipt of new market data that causes an update of the display on the graphical user interface such that the price level no longer corresponds to the first location but correspond to the second location, the order made would be based on the correct price level that was initially intended by the user. Therefore, one skilled in the

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art would have been motivated to learn from Sugimoto to automatically display the cursor at a second location so that the cursor continues to correspond to a selected object when the display changes.

Referring to claim 35, Ram discloses receiving a command from a user input device to reposition the plurality of price levels (page 13, paragraph 254, lines 6-8).

Referring to claim 36, Ram discloses receiving an automatic repositioning command to reposition the plurality of price levels (page 13, paragraph 254, lines 1-2).

Referring to claim 37, Ram discloses displaying the plurality of locations for receiving commands from the user input device to send trade orders to the electronic exchange, such that selection of a location of the plurality of locations through an action of the user input device will both set an order price parameter and send a trade order to the electronic exchange (page 1, paragraph 16 – page 2, paragraph 18). Based on command from user input device a trade order is made when a cell is selected where the price level of the cell is set as the order price parameter and an execution to send the trade order at that price parameter is made.

Referring to claim 38, Ram discloses that the user input device is a mouse comprising a mouse button and the action is a single click of the mouse button (page 2, paragraph 18), where clicking on a cell with a mouse includes a single click of the mouse button.

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3. Claims 22, 28, 39 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ram, Sugimoto and U. S. Publication No. 2002/0059129 A1 (Kemp, II et al.), herein referred to as Kemp.

Referring to claim 22, Ram discloses that the user input device is a mouse comprising a mouse button (page 2, paragraph 18) but Ram and Sugimoto do not disclose that the action is more than one click of the mouse button. Kemp discloses that actions taken by the mouse include more than one click of the mouse button (page 2, paragraph 21, lines 19-23). It would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that the action taken by the mouse include more than one click of the mouse button. Ram provides examples of trader interactions that involve multiple steps where these multiple steps can involve multiple clicks of a mouse button (page 1, paragraph 5, lines 11-16). Kemp discloses that it is possible to include action having multiple clicks in a trader environment (page 2, paragraph 21, lines 19-23). This indicates that an action in a trader environment having more than one click of the mouse button is obvious. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that that the action taken by the mouse include more than one click of the mouse button.

Referring to claim 28, Ram discloses the step of displaying a best bid indicator that represents the current highest bid price for the tradeable object and displaying a best ask indicator that represents the current lowest ask price for the tradeable object (top of Figure 3 and page 6, paragraph 137). Ram and Sugimoto do not disclose that the best bid indicator and the best ask indicator can move relative to the static price axis

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when the inside market changes. Kemp provides examples where the best bid indicator and the best ask indicator move relative to the static price axis when the inside market changes (Figures 3, 4, page 4, paragraph 33 and page 5, paragraph 36), where the example shows how the best ask and best bid prices move relative to a static price axis. It would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that the best bid indicator and the best ask indicator can move relative to the static price axis when the inside market changes. The prices indicated as the best bid indicator and best ask indicator can change based on updates to the market in Ram and also as indicated in Kemp. Therefore the prices representing the best bid and best ask would move relative to the static price axis to correctly indicate what is the new best bid and best ask prices. It would have been obvious in view of the user interface displayed in Ram that the prices which indicate the best bid and best ask move relative to the static price axis in the grid. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that best bid indicator and the best ask indicator can move relative to the static price axis when the inside market changes.

Referring to claim 39, Ram discloses that the user input device is a mouse comprising a mouse button (page 2, paragraph 18) but Ram and Sugimoto do not disclose that the action is more than one click of the mouse button. Kemp discloses that actions taken by the mouse include more than one click of the mouse button (page 2, paragraph 21, lines 19-23). It would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that the action taken by the mouse include more than one click of the mouse button. Ram provides examples of trader interactions

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that involve multiple steps where these multiple steps can involve multiple clicks of a mouse button (page 1, paragraph 5, lines 11-16). Kemp discloses that it is possible to include action having multiple clicks in a trader environment (page 2, paragraph 21, lines 19-23). This indicates that an action in a trader environment having more than one click of the mouse button is obvious. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that that the action taken by the mouse include more than one click of the mouse button.

Referring to claim 40, Ram discloses that the step of displaying the plurality of price levels arranged on the graphical user interface comprises displaying price levels along a static price axis (Figure 3), where the price levels are arranged to indicate the price of tradeable object on the grid with price levels along a static price axis. Ram does not disclose that indicators representing the inside market can move relative to the static price axis when the market changes. Kemp discloses price indicators representing the inside market that moves relative to the static price axis as the market changes (Figures 3, 4, page 4, paragraph 33 and page 5, paragraph 36), where the example shows how the best ask and best bid prices move relative to a static price axis. It would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that indicators representing the inside market can move relative to the static price axis when the market changes. The prices indicated as the best bid indicator and best ask indicator which represent the inside market can change based on updates to the market in Ram and also as indicated in Kemp. Therefore the prices representing the best bid and best ask would move relative to the static price axis to correctly

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indicate what is the new best bid and best ask prices. It would have been obvious in view of the user interface displayed in Ram that the prices which indicate the best bid and best ask move relative to the static price axis in the grid. Therefore, it would have been obvious to one skilled in the art at the time of the invention to learn from Kemp that indicators representing the inside market can move relative to the static price axis when the market changes.

Response to Arguments

4. Applicant's arguments filed on 8/21/08 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. Responses to this action should be submitted as per the options cited below: The United States Patent and Trademark Office requires most patent related correspondence to be: a) faxed to the Central Fax number (571-273-8300) b) hand carried or delivered to the Customer Service Window (located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 CFR 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namitha Pillai whose telephone number is (571) 272-4054. The examiner can normally be reached from 8:30 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doon Chow can be reached on (571) 272-7767.

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Namitha Pillai
Patent Examiner
Art Unit 2173
November 24, 2008

/Namitha Pillai/

Primary Examiner, Art Unit 2173

